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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No: CR 11-00014 SI
)	
Plaintiff,	)	UNITED STATES' APPLICATION FOR
	)	STAY OF MAGISTRATE JUDGE'S ORDER
v.	)	GRANTING PRETRIAL RELEASE
)	
ROBERT SCHENK,)	
	)	Court: Honorable Susan Illston
Defendant.)	

The United States of America, through the United States Attorney for the Northern District of California, hereby requests that this Court STAY Central District of California Magistrate Judge Patrick J. Walsh's order granting bail in this matter until such time as the United States' Motion seeking revocation of that order is decided by this Court. Judge Walsh stayed his Order only until January 20, 2011. It is the United States' understanding that defense counsel will not be able to appear in this Court before that date. Accordingly, the United States is seeking an additional stay from this Court.

The defendant was arrested in the Central District on January 4, 2011, on a warrant issued in this District. He is currently the subject of Rule 5 removal proceedings in Los Angeles. Despite the presence of the defendant in the Central District, however, the United States' Application and related Motion are properly brought before *this Court*. See 18 U.S.C. § 3145(a)

USA'S APP. FOR STAY OF RELEASE ORDER
CR 11-00014 SI

1 (granting jurisdiction over review of release orders in “court having original jurisdiction over the
2 offense”).

3 The United States is filing its Motion for revocation concurrently with this Application.
4 That motion is noticed for January 28, 2011. The basis for the United States’ Application for
5 Stay is set forth in detail in its Motion. In sum, the defendant Schenk recently told a witness that
6 he was planning on leaving the country, presumably to India, where the defendant is believed to
7 have significant ties. Based on this fact, as well as on the nature of the charged offenses, the
8 weight of the evidence, and the history and characteristics of the defendant, the United States
9 believes that there is a danger that Schenk will flee if released from custody, and that it has
10 proven by a preponderance of the evidence that no condition or combination of conditions will
11 ensure the defendant’s presence before this Court. Accordingly, the United States’ Motion
12 requests that Schenk be remanded to custody pending resolution of his criminal case.

13 A proposed order staying Schenk’s release in the Central District of California is
14 submitted herewith.

15
16 DATED: January 13, 2011

Respectfully submitted,

17 MELINDA HAAG
18 United States Attorney

19
20 /s/
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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No: CR 11-00014 SI
)	
Plaintiff,	)	[PROPOSED] ORDER GRANTING UNITED
	)	STATES' APPLICATION FOR STAY OF
v.	)	MAGISTRATE JUDGE'S ORDER
	)	RELEASING DEFENDANT
)	
ROBERT SCHENK,)	
)	
Defendant.)	

For good cause shown, the United States of America's Application for a stay of Magistrate Judge Patrick J. Walsh's order granting pretrial release in this matter is GRANTED. That order granting bail is stayed pending resolution of the United States' Motion seeking revocation of the release order before this Court. It is ORDERED that the defendant Robert Schenk is to remain in the custody of the United States Marshals Service in the Central District of California until further order of this Court.

DATED:


HONORABLE SUSAN ILLSTON
United States District Judge

[PROPOSED] ORDER GRANTING STAY
CR 11-00014 SI